IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE S.SIRI JAGAN

FRIDAY, THE 25TH MAY 2007 / 4TH JYAISHTA 1929

WP(C).No. 33331 of 2006(R)

PETITIONERS:

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1. YUSUFF HAJI,
   PADINJARETHIL VEEDU, PALLOOR,
   DESAMANGALAM P.O., THRISSUR.

2. UMMER P.,
   VARAMANGALATH HOUSE, PALLOOR P.O.,
   DESAMANGALAM P.O., THRISSUR.

BY ADV. SRI.H.BADARUDDIN

RESPONDENTS:

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1. THE DISTRICT COLLECTOR,
   THRISSUR.

2. THE REVENUE DIVISIONAL OFFICER,
   THRISSUR.

3. THE GEOLOGIST,
   DEPARTMENT OF THE MINING AND GEOLOGY,
   DISTRICT OFFICE, THRISSUR.

BY GOVERNMENT PLEADER SMT. ANU SIVARAMAN

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 25/05/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

W.P.(C)NO.33331/06

APPENDIX

P1 TITLE DEED NO.1805/92DT.16.5.92.

P1(a) TITLE DEED NO.1171/94 DT. 25.3.94.

P1(b) TITLE DEED NO.872/04 DT. 8.3.04.

P2 TAX RECEIPT DT. 7.6.05.

P3 POSSESSION CERTIFICATE DT.7.6.2005 ISSUED BY VILLAGE OFFICER DESAMANGALAM VILLAGE IN FAVOUR OF THE PETITIOENR FOR AN EXTEND OF 1.59 ACRES.

P4 SURVEY SKETCH ISSUED BY VILLAGE OFFICER, DESAMANGALAM VILLAGE, ON 10.6.05 TO THE PETITIOENR IN RESPECT OF 1 ACRE 19 CENTS.

P5&P5 A COPIES OF REPRESENTATIONS AND THE CHALLAN RECEIPT FOR PAYMENT OF APPLICATION TAX MADE BY THE PETITINER ON 13.6.05 BEFORE THE OFFICE OF THE 4TH RESPONDENT.

P6 LETTER DT. 13.6.05 ISSUED BY R4 TO THE PETITINER.

P7 JUDGMENT IN W.P.(C)NO.20909/05L DT. 25TH JULY 2005.

P8 LETTER DT. 30.3.06.

P8(A) LETTER DT. 1.12.05.

P9 LETTER DATED 24.11.06

/TRUE COPY/

PA TO JUDGE.

S. SIRI JAGAN, J.

W.P.(C)NO. 33331 OF 2006

DATED THIS THE 25th DAY OF MAY, 2007

JUDGMENT

The petitioners have approached this Court seeking the following reliefs.

> "i) to issue a writ of mandamus or any other appropriate writ order or direction directing the 4th respondent to issue a quarrying permit and P form pass to the petitioners under the Mines and Minerals (Regulation and Development) Act 1957 and Mineral Concession Rules 1960 to extract and remove the ordinary sand from the property mentioned in Ext.P1 to P1(b) herein.
>
> ii) to issue a writ of mandamus or any other appropriate writ, order or direction to the first respondent to direct the second respondent to issue quarrying permit and P form pass to the petitioners as the process of continuation of Ext.P8 and P8(a) papers herein;
>
> iii) to grant such other and further relief that are warranted under the law as this Hon'ble Court may deems fit and proper in the interest of justice"

2. However, for the present, the petitioner would be satisfied with a direction to the 1st respondent to consider and dispose of Ext.P9 representation in accordance with law.

3. Having heard the learned counsel for the petitioners, the learned Government pleader, I direct the 2nd respondent to consider the case of the petitioner after taking into account Ext.P9

communication received by the 1st respondent from the Geologist, Thrissur as expeditiously as possible, at any rate, within two months from the date of receipt of a copy of this judgment.

S. SIRI JAGAN, JUDGE

Acd